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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,334	07/12/2001	Paul McAlinden	ITL.0609US (P11750)	1583
21906	7590	02/06/2008		
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER ADDY, THJUAN KNOWLIN	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/904,334

**Applicant(s)**

MCALINDEN, PAUL

**Examiner**

Thjuan K. Addy

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4 and 8-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 8-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on November 16, 2007 has been entered. Claims 1, 3, 4, 8-11, and 21 have been amended. Claims 2 and 5-7 have been cancelled. No claims have been added. Claims 1, 3, 4, and 8-30 are now pending in this application, with claims 1, 11, and 21 being independent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, and 8-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasawa (US 6,782,281), in view of Beck et al (US 2001/0014097 A1), and further in view of Koenck et al (US 6,014,705).
3. In regards to claims 1, 12, 13, 15, 16, 22, 23, 25, and 26 Nagasawa discloses a cellular telephone (e.g., folding portable telephone apparatus, See Fig. 6), method, and article comprising: an applications processor (See Fig. 6 and controller for pocket game 28) (for example, the controller for pocket game 28 allows the user to play and/or access games, which are considered forms of applications/programs, See col. 5 lines 17-22); a baseband processor (See Fig. 6 and controller 22) (for example, controller 22

performs the same functions as that of a baseband processor, See col. 5 lines 4-14); a first bus coupling (See Fig. 6 and link/bus connecting the controller for pocket game 28 to the controller 22) said processors. Nagasawa, however, does not disclose a device to selectively bypass the applications processor, if the applications processor fails to respond, by diverting signals from the applications to the baseband processor. Beck, however, does disclose a device to selectively bypass (for example, redirect from) the applicants processor, if the applications processor fails to respond, by diverting signals from the applications to the baseband processor (See pg. 7, paragraph [0075], pg. 8, paragraph [0078], and Claim 13). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of preventing signals directed to a first processor from being dropped during a routing failover delay, thus providing backup in case failure occurs in the process, thus allowing the user to maintain connection, and continue or establish communication. Nagasawa, nor Beck, however, disclose selectively bypassing the applications processor, if a characteristic of an emergency call is detected. Koenck, however, does disclose the processor (See Fig. 2 and control processor 49) being selectively bypassed in the even of a power failure, battery low indication, or other "event" (e.g., emergency) (See col. 20 lines 53-64, col. 26-27 lines 35-4, and col. 27 lines 5-18). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this feature within the system, as a way of making an emergency call even when a processor is handling a particular task or receiving a signal.

4. In regards to claim 3, Nagasawa discloses the telephone, including a keypad (See Fig. 6 and key operation area 26), said applications processor coupled to said keypad to receive keypad inputs (See col. 5 lines 10-14).

5. In regards to claim 4, Nagasawa discloses the telephone, including a display (See Fig. 6, first display 4, and second display 8), said applications processor coupled to said display to provide outputs to said display (See col. 4-5 lines 66-3).

6. In regard to claim 8, Nagasawa discloses the telephone, wherein said telephone includes a keypad (e.g., key operation area 26), keypad entries being provided to said applications processor (e.g., controller for pocket game 28), said device (e.g., call release button 5b) selectively shunting (for example, turning off to one side or going around) said keypad entries to said baseband processor (e.g., controller 22) (See col. 5 lines 17-22 and col. 6 lines 21-25).

7. In regards to claim 9, Nagasawa discloses the telephone, including a display, said display coupled to receive outputs (e.g., games) from said applications processor, said device (e.g., call start button 5a) to selectively bypass (e.g., suspend) the applications processor to provide outputs (e.g., caller information, i.e., the telephone number of the caller or caller's name) to said display (e.g., first display 4) from said baseband processor (e.g., controller 22) (See col. 6 lines 13-20).

8. In regards to claim 10, Nagasawa discloses the telephone, including a display (e.g., first display 4 and second display 8) and a keypad (e.g., key operation area 26), said applications processor (e.g., controller for pocket game 28) coupled to said display and said keypad and said baseband processor (e.g., controller 22) coupled to said display

and said keypad through said applications processor and said device (See Fig. 6 and col. 6 lines 13-35).

9. In regards to claims 11, 14, 21, and 24, Nagasawa discloses a method and article comprising: establishing communications between an input/output device (e.g., input/key operation area 26 and output/first display 4) and a first processor (See Fig. 6 and controller for pocket game 28) to execute a first task (for example, the first task may simply be the start of a game). Nagasawa, however, does not disclose in response to the detection of an attempt to make an emergency call, providing said communications to a second processor so that the second processor executes the first task in place of the first processor. Koenck, however, does disclose in response to the detection of an attempt to make an emergency call, providing said communications to a second processor so that the second processor executes the first task in place of the first processor (See col. 20 lines 53-64, col. 26-27 lines 35-4, and col. 27 lines 5-18).

10. In regards to claim 17, Nagasawa discloses the method, including coupling said second processor (e.g., controller 22) to said first processor (e.g., controller for pocket game 28) and coupling said first processor directly to a keypad (e.g., key operation area 26) and a display (e.g., first display 4) (See Fig. 6).

11. In regards to claims 18 and 28, Nagasawa discloses the method and article, including selectively coupling (i.e., connecting) said display (e.g., first display 4 and second display 8) and said keypad (e.g., key operation area 26) directly to said second processor (e.g., controller 22) (See Fig. 6 and col. 6 lines 13-20).

12. In regards to claim 19, Nagasawa discloses the method, including providing a first processor which acts as an applications processor (See Fig. 6 and controller for pocket game 28, for example, the controller for pocket game 28 allows the user to play and/or access games, which are considered forms of applications/programs, See col. 5 lines 17-22)

13. In regards to claims 20 and 30, Nagasawa discloses the method and article, including providing a second processor that acts as a baseband processor (See Fig. 6 and controller 22, for example, controller 22 performs the same functions as that of a baseband processor) (See col. 5 lines 4-14).

14. In regards to claim 27, Nagasawa discloses the article, further storing instructions that enable the processor-based system to couple said second processor (e.g., controller 22) to said first processor (e.g., controller for pocket game 28) and couple said first processor directly to a keypad (e.g., key operation area 26) and a display (e.g., first display 4) (See Fig. 6, col. 5 lines 17-22, and col. 6 lines 13-17)..

15. In regard to claim 29, Nagasawa discloses the article, further storing instructions that enable the processor-based system to establish communications (e.g., games) between an input/output device (e.g., input/key operation area 26 and output/first display 4) and a first processor (e.g., controller for pocket game 28) that is an applications processor (See col. 5 lines 17-22).

***Response to Arguments***

16. Applicant's arguments with respect to claims 1, 3, 4, and 8-30 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

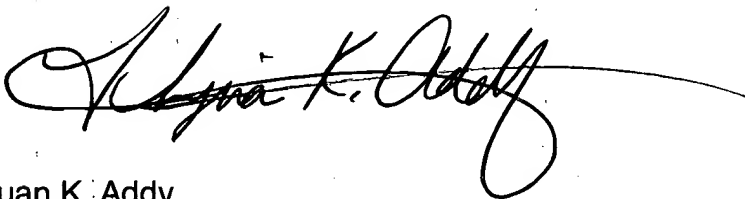
18. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.



20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thjuan K. Addy', with a long horizontal flourish extending to the right.

Thjuan K. Addy  
Patent Examiner  
AU 2614